

Exhibit D

Deposition Transcript of Jaime Combs

GORE, et al.

vs.

LEE, et al.

JAIME COMBS

April 24, 2020



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1 UNITED STATES DISTRICT COURT
2 FOR THE MIDDLE DISTRICT OF TENNESSEE
3 NASHVILLE DIVISION

4 KAYLA GORE; JAIME COMBS;
5 L.G.; and K.N.,

6 Plaintiffs,

7 vs.

Case No. 3:19-0328

8 WILLIAM BYRON LEE, in his
9 official capacity as
10 Governor of the State of
11 Tennessee; and LISA
12 PIERCEY, in her official
13 capacity as Commissioner
14 of the Tennessee
15 Department of Health,

16 Defendants.

17 Videoconference Deposition of:

18 JAIME COMBS

19 Taken on behalf of Defendants
20 April 24, 2020

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I N D E X

	Page
Examination By Mr. Lim	6
Examination By Ms. Buchert	48

E X H I B I T S

	Page
Exhibit No. 1 Amended Complaint for Declaratory and Injunctive Relief	15
Exhibit No. 2 Declaration of Jaime Combs in Support of Plaintiffs' Motion for Summary Judgment	16

S T I P U L A T I O N S

The videoconference deposition of
JAIME COMBS was taken by counsel for the Defendants,
by Notice, with all participants appearing at their
respective locations, on April 24, 2020, for all
purposes under the Federal Rules of Civil Procedure.

All objections, except as to the form of
the question, are reserved for the hearing, and that
said deposition may be read and used in evidence in
said cause of action in any trial thereon or any
proceeding herein.

It is agreed that LINDSEY R. PERRY, LCR,
RPR, CRR, CSR, Court Reporter for the State of
Tennessee, may swear the witness, and that the
reading and signing of the completed deposition by
the witness are not waived.

1 * * *

2 JAIME COMBS

3 was called as a witness, and after having been first
4 duly sworn, testified as follows:

5
6 EXAMINATION

7 QUESTIONS BY MR. LIM:

8 Q. Good afternoon, Ms. Combs.

9 How are you today?

10 A. I'm doing well. And you?

11 Q. Good. Good. Thank you.

12 Let's see. Let me introduce everybody. I
13 don't know if you can see everyone, but my name is
14 Jae Lim, and I'm an assistant attorney general for
15 the Tennessee Attorney General's Office. I, along
16 with my colleagues, Matt Jones, who's not here,
17 Sara Sedgwick, and Dianna Shew, who -- both of them
18 are here on this deposition, are representing the
19 defendants in this lawsuit filed by you and three
20 other plaintiffs, Ms. Combs.

21 And at this point, Sasha, could you go ahead
22 and identify everyone on your side, please?

23 MS. BUCHERT: Yeah, absolutely. I'm
24 Sasha Buchert from Lambda Legal representing the
25 plaintiffs, and also on the line is

1 Omar Gonzalez-Pagan, also from Lambda Legal
2 representing the plaintiffs, and also on the line is
3 Brandt Thomas Roessler from Baker Botts representing
4 the plaintiffs, and lastly, we also have
5 John Winemiller from Merchant & Gould also
6 representing the plaintiffs.

7 BY MR. LIM:

8 Q. Okay. I just have a couple of housekeeping
9 matters before we begin the real fun part of the
10 deposition.

11 Ms. Combs, although this deposition is on
12 video, we're not recording it. What we're doing is
13 we're asking Ms. Perry, the court reporter, to take
14 a transcript of our -- your testimony here today,
15 so for anyone reading the transcript to be able to
16 tell what responses were given, you need to verbally
17 say "yes" or "no" to any questions that I ask. If
18 you were to, say, nod in lieu of saying yes or shake
19 your head in lieu of saying no, that won't be
20 recorded.

21 Is that clear?

22 A. Yes.

23 Q. Okay. And at any point if you can't hear me
24 or if you have a difficult time understanding my
25 question, just say so, and I'll do my best to

1 rephrase the question or repeat the question so you
2 can answer it, okay?

3 A. Okay.

4 Q. And lastly, let me know if you need a break.
5 I'll be happy to take one anytime you need one.
6 Just if you could do me a favor and just don't --
7 let's not take a break if there's a response
8 pending. So if I ask a question, let's answer the
9 question then take a break, okay?

10 A. Understood.

11 Q. Okay. All right. Let's move on.

12 Let's see. Ms. Combs, could you state your
13 full name for the record, please.

14 A. Jaime Novella Combs.

15 Q. And have you ever used any other names in
16 the past?

17 A. Yes.

18 Q. What was that name?

19 A. My birth name of [REDACTED].

20 Q. What is your current address?

21 A. [REDACTED]
22 [REDACTED].

23 Q. And how long have you lived there?

24 A. Approximately three and a half years.

25 Q. Where did you live before that?

1 A. I resided in Maryville, Tennessee.

2 Q. And for how long at that location?

3 A. I lived in Maryville, Tennessee,
4 approximately 20 years.

5 Q. Were you born in Maryville, Tennessee?

6 A. No.

7 Q. What -- where is your place of birth?

8 A. I was born in Elizabethton, Tennessee.

9 Q. And what is your date of birth?

10 A. [REDACTED].

11 Q. What do you do for a living, Ms. Combs?

12 MS. BUCHERT: Objection.

13 BY MR. LIM:

14 Q. What is your current occupation, if any?

15 A. I currently do volunteer work and I'm
16 retired.

17 Q. Okay. What type of volunteer work do you
18 do?

19 MS. BUCHERT: Objection.

20 THE WITNESS: I volunteer for Vanderbilt
21 Health, and I volunteer for Connectus Health, which
22 is a community health care center and other
23 organizations.

24 BY MR. LIM:

25 Q. Any other organizations?

1 MS. BUCHERT: Objection.

2 THE WITNESS: I do volunteer for
3 Nashville Pride.

4 BY MR. LIM:

5 Q. Let's start with the Vanderbilt volunteer
6 position.

7 What exactly do you do there?

8 MS. BUCHERT: Objection.

9 THE WITNESS: I volunteer for a program
10 called Trans Buddy, which assists patients in the
11 health care system with Vanderbilt Health.

12 BY MR. LIM:

13 Q. And what do you do for Connectus?

14 MS. BUCHERT: Objection.

15 THE WITNESS: With Connectus Health, I
16 am a volunteer for their personnel committee and a
17 board member.

18 MR. LIM: Ms. Perry, could you go off
19 the record for one second?

20 THE REPORTER: Yes.

21 (An off-the-record discussion was held.)

22 BY MR. LIM:

23 Q. How long have you had that volunteer
24 position with Vanderbilt?

25 A. Approximately three to four months.

1 Q. And what about Connectus?

2 A. I have been a board member for approximately
3 two years.

4 Q. You're on the board, you said?

5 A. Correct.

6 MS. BUCHERT: Objection.

7 BY MR. LIM:

8 Q. How did you get on the board of directors
9 for Connectus? What -- was there a process? Did
10 you apply for it? Were you nominated by the board
11 to be on the board?

12 MS. BUCHERT: Objection.

13 BY MR. LIM:

14 Q. Just tell us how you were -- how you became
15 involved in that organization.

16 A. The group was seeking out members to --
17 or -- members of the community to be board members
18 for them.

19 Q. Okay. You mentioned that you're retired
20 now.

21 How long have you been retired?

22 A. Approximately three and a half years.

23 Q. Before you became -- before you retired,
24 what did you retire from? What -- what occupation?
25 What line of work were you in?

1 A. I was a stylist and owned a hair salon in
2 Maryville and Alcoa, Tennessee.

3 Q. What was that called?

4 A. Combs Salon.

5 Q. How long did you have that business?

6 A. Approximately seven years.

7 Q. And before that, you were also a stylist?

8 A. That is correct.

9 Q. How long were you a stylist for?

10 A. Approximately 20 years.

11 Q. And to become a stylist, did you obtain any
12 training or special certificates of any kind?

13 A. Yes.

14 Q. And what are they?

15 A. My cosmetology license through the State of
16 Tennessee.

17 Q. When did you get that license?

18 A. I received the license approximately 1996.

19 Q. Did you have to go to school for that too?

20 MS. BUCHERT: Objection.

21 THE WITNESS: Yes.

22 BY MR. LIM:

23 Q. And where did you go to school for that?

24 A. I attended Tennessee School of Beauty.

25 Q. When was that?

1 A. Approximately 1995.

2 Q. Where -- what prompted you to move to
3 Nashville?

4 MS. BUCHERT: Objection.

5 THE WITNESS: I moved to Nashville
6 because my spouse found employment that seemed
7 desirable.

8 BY MR. LIM:

9 Q. You said "spouse."

10 How long have you been married?

11 A. Currently for six years.

12 Q. What is the name of your spouse?

13 MS. BUCHERT: Objection.

14 THE WITNESS: The name of my spouse is
15 [REDACTED].

16 BY MR. LIM:

17 Q. Have you been married before?

18 MS. BUCHERT: Objection.

19 THE WITNESS: Yes.

20 BY MR. LIM:

21 Q. How long were you married in the previous
22 marriage?

23 A. Approximately seven to eight years.

24 Q. When did you get married? Exactly what
25 year?

1 A. I believe it was 2000. That paperwork has
2 been submitted.

3 Q. When you say "paperwork," what type of
4 documents are you talking about?

5 MS. BUCHERT: Objection.

6 THE WITNESS: My marriage --

7 BY MR. LIM:

8 Q. I didn't get that.

9 A. My marriage license.

10 Q. What was the name of your former spouse?

11 (WHEREUPON, page 14/line 11 to page 15/line
12 11 were designated as confidential and bound under
13 separate cover.)

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12 BY MR. LIM:

13 Q. At this point, I want to show you what's
14 been marked previously as Exhibit 1. That would be
15 the amended complaint.

16 Ms. Perry, do you have a copy of that?

17 THE REPORTER: Yes, I do.

18 (WHEREUPON, a document was marked as
19 Exhibit Number 1.)

20 BY MR. LIM:

21 Q. Ms. Combs, do you have a copy of that
22 amended complaint?

23 A. I do.

24 Q. Okay. I also want to show you what's been
25 previously marked as Exhibit 2, Declaration of

1 Jaime Combs in Support of Plaintiffs' Motion for
2 Summary Judgment.

3 Do you have that too, Ms. Perry?

4 THE REPORTER: I do.

5 (WHEREUPON, a document was marked as
6 Exhibit Number 2.)

7 BY MR. LIM:

8 Q. And, Ms. Combs, do you have that?

9 A. Yes.

10 Q. Okay. In addition to these two documents --
11 let me rephrase that.

12 Do you know what these documents are,
13 Ms. Combs?

14 MS. BUCHERT: Objection.

15 THE WITNESS: I realize -- yes.

16 BY MR. LIM:

17 Q. Have you -- have you read them before?

18 A. Yes.

19 Q. And did you have an opportunity to discuss
20 it with your attorneys and ask any questions that
21 you may have about those documents?

22 MS. BUCHERT: Objection. This calls
23 for -- to the extent that this calls for privileged
24 information, Jaime, I counsel you not to respond to
25 any conversations that you've had with your

1 attorneys.

2 BY MR. LIM:

3 Q. I'm simply asking you whether you had an
4 opportunity to talk to your attorneys about those
5 two documents.

6 MS. BUCHERT: You can answer, Jaime.

7 THE WITNESS: Yes.

8 BY MR. LIM:

9 Q. And you told the truth -- everything
10 contained in those two documents are true and
11 accurate to the best of your abilities, right?

12 A. Yes.

13 Q. Okay. I want to direct your attention to
14 Exhibit 1, the amended complaint, page 23 near the
15 bottom, Paragraph 114. Let me know when you get
16 there, Ms. Combs.

17 MS. BUCHERT: And, Jaime, I want to
18 recommend that you take all the time that you need
19 to read this and take -- take as much time as you
20 need.

21 BY MR. LIM:

22 Q. Paragraph 114 says "Ms. Combs' inability to
23 correct the gender marker on her birth certificate
24 has negatively affected Ms. Combs in other ways. By
25 way of example, Ms. Combs was married to a man for

1 seven years. When divorcing, Ms. Combs was told
2 that Tennessee would not consider her marriage to be
3 legal because Tennessee did not, at that time,
4 recognize marriage between same-sex couples and was
5 threatened with disclosure of her transgender
6 status. Ms. Combs was, therefore, concerned that if
7 she contested the divorce, her transgender status
8 would become publicly known. At that time,
9 Ms. Combs was not open about her transgender status
10 and was worried that this would affect her salon
11 business. As a result, due to these concerns,
12 Ms. Combs signed uncontested divorce papers allowing
13 her husband to retain control over all of their
14 joint assets."

15 Ms. Combs, I have some questions about that
16 paragraph. Let's see. Where it says "When
17 divorcing, Ms. Combs was told that," told -- who
18 told you that?

19 A. My husband told me that.

20 Q. What did he exactly say to you?

21 MS. BUCHERT: Objection.

22 THE WITNESS: My husband told me that my
23 birth certificate says that I am a male and that no
24 court in the State of Tennessee would uphold this
25 marriage and that if I tried to contest this

1 divorce, that he would do everything in his power to
2 basically smear my name and get this information
3 released.

4 BY MR. LIM:

5 Q. But you just told me about five minutes ago
6 that you submitted the paperwork, so you got a
7 marriage license, no?

8 MS. BUCHERT: Objection.

9 THE WITNESS: I did have a marriage
10 license.

11 BY MR. LIM:

12 Q. How could you get a marriage license if
13 Tennessee didn't allow same-sex marriage couples?

14 MS. BUCHERT: Objection.

15 THE WITNESS: I got a marriage license
16 through the justice of the peace with my husband by
17 presenting a driver's license and Social Security
18 card.

19 BY MR. LIM:

20 Q. Was your former husband aware of your
21 transgender status?

22 MS. BUCHERT: Objection.

23 THE WITNESS: Yes.

24 BY MR. LIM:

25 Q. When -- and -- and you told him this before

1 you got married?

2 MS. BUCHERT: Objection.

3 THE WITNESS: Yes.

4 BY MR. LIM:

5 Q. Okay. So I want to refer your attention
6 back to the paragraph.

7 At that time, you were not open about your
8 status and were concerned that his threat would
9 jeopardize your business; correct?

10 A. That is correct. And he was also concerned
11 it could jeopardize his business.

12 Q. What was -- what was his business?

13 A. His business was a computer group.

14 Q. So because you had a marriage license and
15 you were living as a married couple -- let me
16 rephrase that.

17 You say in the paragraph on top of page 24
18 that you signed uncontested divorce papers allowing
19 your husband to retain control over all of your
20 joint assets.

21 What assets are you talking about in that
22 paragraph?

23 MS. BUCHERT: Objection.

24 THE WITNESS: While my husband and I
25 were married, we paid off a house. We purchased a

1 home. We had a fleet of vehicles for his work that
2 we started together. We had two Corvettes. We
3 acquired two classic cars. During the length of our
4 marriage, a third property was bought in addition to
5 the condo that was owned.

6 BY MR. LIM:

7 Q. Did you file taxes as a married couple?

8 MS. BUCHERT: Objection.

9 BY MR. LIM:

10 Q. Did you file any federal tax returns during
11 the time that you were married?

12 MS. BUCHERT: Same objection.

13 THE WITNESS: My husband took care of
14 all finances.

15 BY MR. LIM:

16 Q. Do you have any idea whether you filed as a
17 married couple?

18 MS. BUCHERT: Objection.

19 THE WITNESS: I am uncertain.

20 BY MR. LIM:

21 Q. How were the properties titled?

22 MS. BUCHERT: Objection.

23 THE WITNESS: The properties were titled
24 in his name alone.

25 //

1 BY MR. LIM:

2 Q. So when you filed for divorce through the
3 court in Blount County, if there was no recognizable
4 marriage between you and your former spouse, how
5 could there have been a divorce proceeding?

6 MS. BUCHERT: Objection.

7 BY MR. LIM:

8 Q. I'm confused by that, Ms. Combs.
9 Can you tell us a little bit more about
10 that?

11 MS. BUCHERT: Objection.

12 THE WITNESS: I'm not an attorney, so I
13 don't know those things, but I know that we had a
14 marriage license, and I felt that we had a marriage.

15 BY MR. LIM:

16 Q. You felt that you had a marriage or was it a
17 marriage?

18 MS. BUCHERT: Objection.

19 THE WITNESS: I was asked to be his
20 wife. I was asked to marry him.

21 BY MR. LIM:

22 Q. Did you have a wedding?

23 MS. BUCHERT: Objection.

24 THE WITNESS: We went to the justice of
25 peace and married.

1 BY MR. LIM:

2 Q. Where was the justice of peace?

3 A. The justice of peace was in Sevierville,
4 Tennessee.

5 Q. Did that person work for the government of
6 any type?

7 MS. BUCHERT: Objection.

8 THE WITNESS: I am uncertain.

9 BY MR. LIM:

10 Q. Okay. Did you fill out any paperwork during
11 the time that you were married to [REDACTED] --

12 MS. BUCHERT: Objection.

13 BY MR. LIM:

14 Q. -- that asked for your marital status?

15 MS. BUCHERT: Objection.

16 THE WITNESS: I am unsure. I would
17 assume so.

18 BY MR. LIM:

19 Q. Let's assume that you did.

20 Would you have -- would you have checked off
21 "married" --

22 MS. BUCHERT: Objection.

23 BY MR. LIM:

24 Q. -- to those questions? Because like you
25 said, in your mind, you thought -- you believed that

1 you were married, right?

2 MS. BUCHERT: Objection.

3 THE WITNESS: I would have signed

4 "married."

5 BY MR. LIM:

6 Q. Ms. Combs, I sympathize with what happened
7 and what your former husband did in taking all of
8 your joint property. He threatened you with
9 something very -- very personal; something that he
10 knew to be a very delicate personal, private matter,
11 and I understand that you were legitimately
12 concerned. Concerned enough to give him everything
13 that he wanted, essentially; is that correct?

14 MS. BUCHERT: Objection.

15 THE WITNESS: I felt I had no choice.

16 BY MR. LIM:

17 Q. But you felt you had no choice because you
18 didn't want people to know that you were transgender
19 at that time, right?

20 MS. BUCHERT: Objection.

21 THE WITNESS: There were different
22 factors in me not wanting people to know.

23 BY MR. LIM:

24 Q. What are some of those factors?

25 MS. BUCHERT: Objection.

1 THE WITNESS: My livelihood at the time
2 as someone with no assets to their name because of a
3 divorce.

4 BY MR. LIM:

5 Q. So -- but it had nothing to do with your
6 birth certificate, though, right?

7 MS. BUCHERT: Objection.

8 THE WITNESS: I disagree.

9 BY MR. LIM:

10 Q. Okay. How so?

11 MS. BUCHERT: Objection. Jae, we're --
12 this line of questioning is becoming argumentative.

13 MR. LIM: Okay.

14 BY MR. LIM:

15 Q. Let me ask you, Ms. Combs, do you believe
16 that if you had a birth certificate that reflected
17 your gender identity with which you have always
18 identified that your husband would not have
19 threatened you?

20 MS. BUCHERT: Objection.

21 THE WITNESS: Yes.

22 BY MR. LIM:

23 Q. Okay. I'll move on. Let's talk about
24 something a little happier. Let's talk about your
25 current spouse.

1 You said you've been married for about six
2 years?

3 A. Yes.

4 Q. How did you guys meet?

5 MS. BUCHERT: Objection.

6 THE WITNESS: We met at a support group.

7 BY MR. LIM:

8 Q. Support group for -- for what?

9 MS. BUCHERT: Objection.

10 THE WITNESS: For women that -- who are
11 transgender.

12 BY MR. LIM:

13 Q. Do you have any children?

14 A. Yes.

15 Q. How old are they and what are their names?

16 MS. BUCHERT: Objection.

17 (WHEREUPON, page 26/line 17 to page
18 27/line 4 were designated as confidential and bound
19 under separate cover.)

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5 BY MR. LIM:

6 Q. Ms. Combs, in prepping for this deposition,
7 did you speak with anyone about this lawsuit or this
8 deposition?

9 A. Can you rephrase that question?

10 Q. Did you speak with anyone other than your
11 attorneys about this deposition today?

12 A. Yes.

13 Q. Who did you speak to?

14 A. My spouse.

15 Q. Anyone else?

16 MS. BUCHERT: Objection.

17 THE WITNESS: I'm uncertain.

18 BY MR. LIM:

19 Q. You're uncertain as to whether you spoke to
20 anyone else other than your spouse about this
21 deposition today?

22 A. That is correct.

23 Q. It's a simple yes or no, Ms. Combs.

24 MS. BUCHERT: Objection.

25 //

1 BY MR. LIM:

2 Q. Did you speak with anyone else besides your
3 spouse about today's deposition?

4 A. I have spoken about the law. I do not
5 believe I've spoken about this particular case
6 today -- this deposition today.

7 Q. And when you say "law," what are you talking
8 about?

9 MS. BUCHERT: Objection.

10 THE WITNESS: The birth certificate law.

11 BY MR. LIM:

12 Q. And who did you speak to about the lawsuit?

13 MS. BUCHERT: Objection.

14 THE WITNESS: I'm uncertain.

15 BY MR. LIM:

16 Q. Have you met or spoken to any of the other
17 plaintiffs in this lawsuit?

18 A. I met or saw a fellow plaintiff, I believe,
19 a year ago. I do not believe there was a
20 conversation we had, but she was at a press release,
21 to the best of my knowledge, and that's where I saw
22 her.

23 Q. Did you speak to her at that time?

24 MS. BUCHERT: Objection.

25 THE WITNESS: Possibly niceties. Not

1 about a case.

2 BY MR. LIM:

3 Q. Have you met or spoken to any of the
4 other people involved in this lawsuit, including
5 experts?

6 MS. BUCHERT: Objection.

7 (An off-the-record discussion was held.)

8 (WHEREUPON, the reporter read back the
9 pending question.)

10 THE WITNESS: I have met one of the
11 plaintiffs in passing approximately a year ago after
12 a press release was made.

13 BY MR. LIM:

14 Q. Is that the same person that you just told
15 us about --

16 MS. BUCHERT: Objection.

17 BY MR. LIM:

18 Q. -- Ms. Combs?

19 A. That is correct.

20 Q. Okay. Anyone else?

21 A. To the best of my knowledge, I do not
22 believe so.

23 Q. Have you ever met Dr. Shayne Taylor?

24 A. Yes.

25 Q. Did you know that she's an expert in this

1 lawsuit --

2 MS. BUCHERT: Objection.

3 BY MR. LIM:

4 Q. -- for Plaintiffs?

5 A. I was made aware of that approximately five
6 days ago.

7 Q. Okay. So when I asked you whether you've
8 met or spoken to anyone involved in this lawsuit
9 including experts, why didn't you say so?

10 MS. BUCHERT: Objection.

11 THE WITNESS: Because when we met, we
12 did not discuss law or medicine. We met in passing,
13 as I would work with some -- volunteer work.

14 BY MR. LIM:

15 Q. Okay. Okay, Ms. Combs, are you -- is it
16 public knowledge that you are a trans woman today?

17 MS. BUCHERT: Objection.

18 THE WITNESS: There are people who know
19 I am a woman who is transgender.

20 BY MR. LIM:

21 Q. I want to refer your attention back to
22 page 22 of the amended complaint, Exhibit 1.

23 So at the bottom, Paragraph 109 stated that
24 you underwent surgical procedures in 1999; is that
25 correct?

1 MS. BUCHERT: Objection.

2 THE WITNESS: Yes.

3 BY MR. LIM:

4 Q. Where was the surgery performed?

5 MS. BUCHERT: Objection.

6 THE WITNESS: Neenah, Wisconsin.

7 BY MR. LIM:

8 Q. Do you know the name of the surgeon?

9 MS. BUCHERT: Objection.

10 THE WITNESS: [REDACTED].

11 BY MR. LIM:

12 Q. Can you spell that?

13 A. [REDACTED]. His first name was [REDACTED], I
14 believe.

15 Q. And when you say "gender-affirming surgery,"
16 specifically what procedures are you talking about?

17 MS. BUCHERT: Objection.

18 THE WITNESS: He performed a
19 vaginoplasty.

20 BY MR. LIM:

21 Q. And Paragraph 110, after completing the
22 surgery, you were able to correct the gender marker
23 on your driver's license, Social Security card, and
24 U.S. passport; correct?

25 A. With the exception of challenges to my

1 passport changes.

2 Q. Okay. So let's talk about them one at a
3 time, okay? Let's talk about your driver's license.

4 When -- what year did you get that changed?

5 A. My driver's license was changed after
6 surgery.

7 Q. Do you remember where you -- which DMV
8 location you went to?

9 MS. BUCHERT: Objection.

10 THE WITNESS: To the best of my
11 knowledge, it was in Knoxville, Tennessee, at the
12 courthouse.

13 BY MR. LIM:

14 Q. Do you remember what documents you needed to
15 bring with you to get that done?

16 MS. BUCHERT: Objection.

17 THE WITNESS: To the best of my
18 knowledge, it was the surgical report from the
19 doctor. Possibly other documents.

20 BY MR. LIM:

21 Q. And did you have to go more than once to get
22 that done or were you able to get it the first time?

23 MS. BUCHERT: Objection.

24 THE WITNESS: I believe I was able to
25 get that done the first time.

1 BY MR. LIM:

2 Q. Okay. Let's talk about Social Security
3 records.

4 Do you remember what documents you needed to
5 bring to get that done?

6 MS. BUCHERT: Objection.

7 THE WITNESS: I believe I took my
8 documentation from the surgeon, which I believe
9 included birth certificate and different records.

10 BY MR. LIM:

11 Q. And did you have to make multiple trips or
12 was it the first time you were able to get that
13 done?

14 MS. BUCHERT: Objection.

15 THE WITNESS: I am uncertain, but I
16 believe it was one trip.

17 BY MR. LIM:

18 Q. And finally the U.S. passport. So I want to
19 go to page 23 at the top. Pardon me. I misguided
20 you there.

21 So can you tell us what happened with the
22 passport, which I think is described in
23 Paragraph 113 that's in the middle? You mentioned
24 that you had to submit documentation from your
25 primary care physician, as well as a letter

1 documenting the results of a physical exam by a
2 gynecologist.

3 MS. BUCHERT: Objection.

4 BY MR. LIM:

5 Q. And after -- after you submitted that, you
6 got the right passport?

7 MS. BUCHERT: Objection.

8 THE WITNESS: The process was not that
9 simple for me, as there were complications.

10 BY MR. LIM:

11 Q. Uh-huh.

12 A. Being a woman that was -- that is
13 transgender and having a business, it was very
14 important for me personally to protect some identity
15 information. I assumed to get a passport I could
16 simply have my doctor send in paperwork after my
17 first passport application was declined, which my
18 doctor submitted paperwork afterwards. That
19 paperwork was being also declined. We did a
20 revision to the paperwork from my physician at the
21 time, a nurse practitioner, and the paperwork was
22 also declined and returned.

23 From that point, I was uncertain what to do,
24 and because I needed a passport for travels and
25 time -- so much time had passed, I felt like -- or I

1 was told I would have to have a letter from a PhD.
2 I consulted with a client who had a PhD, and I was
3 hopeful that he would be discreet and be able to
4 lead me to a physician that would be able to
5 complete the paperwork for me. He told me with his
6 permission he would try to find a colleague of his
7 that had a PhD in medicine or psychiatry, because
8 unbeknownst to me, my client had a PhD in psychology
9 instead of psychiatry.

10 He then returned -- or contacted me within a
11 week to two weeks, and he said that he was unable to
12 find any of his colleagues with credentials that
13 would approve paperwork for me to receive my
14 passport with correct gender markers even though he
15 had known me for several years and could testify or
16 could vouch that I was who I said I was.

17 He then later contacted me with the name of
18 a gynecologist in the neighboring town, and he said
19 with my permission that he would contact her because
20 he felt like she was someone that would be discreet
21 and hopefully her office and staff workers would be
22 discreet and allow me to get the documentation
23 necessary in order to change my passport. So in
24 order to receive the passport, I was required to
25 have my genitals examined by a physician for no

1 other purpose.

2 Q. But you were ultimately able to get the
3 passport corrected?

4 A. The passport is now congruent with my
5 gender.

6 Q. And you -- when was it -- when did you
7 obtain the congruent passport, Ms. Combs?

8 A. Approximately seven years ago.

9 Q. And the driver's license was in twenty- --
10 when did you obtain the correct driver's license
11 again? 1999?

12 A. I believe that's correct.

13 Q. And the Social Security was shortly
14 thereafter also?

15 A. That is correct.

16 Q. Okay. From -- okay. Let's talk about the
17 passport, then. Let's see.

18 So after obtaining the passport, about how
19 many times have you presented that as an
20 identification --

21 MS. BUCHERT: Objection.

22 BY MR. LIM:

23 Q. -- since 2013?

24 MS. BUCHERT: Same objection.

25 THE WITNESS: I'm uncertain, although I

1 have used it when traveling.

2 BY MR. LIM:

3 Q. Where have you traveled to in the past seven
4 years? Anywhere fun?

5 MS. BUCHERT: Objection.

6 THE WITNESS: Yes.

7 BY MR. LIM:

8 Q. Can you tell us a couple examples? When was
9 the last time you took a vacation abroad?

10 A. February of this year.

11 Q. Okay. Where did you go?

12 A. I went to, I believe, the Western Caribbean.
13 St. Thomas, St. Martin.

14 Q. And as a form of identification, do you
15 carry your passport with you or your driver's
16 license or your Social Security card?

17 MS. BUCHERT: Objection.

18 THE WITNESS: Yes.

19 BY MR. LIM:

20 Q. You carry all three of them on you every
21 day?

22 MS. BUCHERT: Objection.

23 THE WITNESS: Typically my driver's
24 license.

25 //

1 BY MR. LIM:

2 Q. Do you ever carry your birth certificate
3 with you?

4 A. I do not believe so.

5 Q. You do not believe so or you don't?

6 MS. BUCHERT: Objection.

7 THE WITNESS: I traveled with my birth
8 certificate when I received a copy of it. On a
9 normal basis, I probably do not carry it.

10 BY MR. LIM:

11 Q. When was the last time you traveled with
12 your birth certificate?

13 MS. BUCHERT: Objection.

14 THE WITNESS: Probably two months ago.

15 BY MR. LIM:

16 Q. Where do you normally keep your birth
17 certificate?

18 MS. BUCHERT: Objection.

19 THE WITNESS: At my house.

20 BY MR. LIM:

21 Q. And two months ago when you traveled with
22 the birth certificate, did you take it so that you
23 would use it as a form of identification?

24 MS. BUCHERT: Objection.

25 THE WITNESS: I was, to the best of my

1 knowledge, picking up documents, and I picked a copy
2 of that up.

3 BY MR. LIM:

4 Q. A copy of that? So where's the original?

5 MS. BUCHERT: Objection. Argumentative.

6 THE WITNESS: I am uncertain.

7 BY MR. LIM:

8 Q. You're uncertain -- do you know where your
9 original copy of the birth certificate is,

10 Ms. Combs?

11 A. I am uncertain.

12 Q. Where were you picking up this copy of your
13 birth certificate from?

14 MS. BUCHERT: Objection.

15 THE WITNESS: Knox County, Tennessee.

16 BY MR. LIM:

17 Q. Was it a family member's house?

18 MS. BUCHERT: Objection.

19 THE WITNESS: No.

20 BY MR. LIM:

21 Q. Other than that time that you picked it up,
22 when was the last time you used your birth
23 certificate as a form of identification?

24 MS. BUCHERT: Objection.

25 THE WITNESS: Probably when I entered

1 cosmetology school.

2 BY MR. LIM:

3 Q. When was that?

4 A. Approximately 1995.

5 Q. You just told us that in 2013 you submitted
6 your birth certificate to obtain your passport,
7 right?

8 MS. BUCHERT: Objection.

9 THE WITNESS: That is correct.

10 BY MR. LIM:

11 Q. Okay. So let me rephrase so we're on the
12 same page. I'm trying to determine just how often
13 you use your birth certificate as a form of
14 identification.

15 After getting your passport for which you
16 had to submit a copy of that, has there been any
17 other instance in which you needed to produce a copy
18 of your birth certificate?

19 MS. BUCHERT: Objection.

20 THE WITNESS: I know of instances before
21 I received my passport. I am unaware of instances
22 after I received my passport.

23 BY MR. LIM:

24 Q. So in the past seven years, you haven't used
25 your birth certificate as a form of identification?

1 MS. BUCHERT: Objection.

2 THE WITNESS: I do not believe so.

3 MR. LIM: Could I take a quick break
4 here? Could we come back -- it's 1:59 right now.
5 Could we come back at 2:10, please?

6 MS. BUCHERT: Sounds good.

7 MR. LIM: Thank you.

8 (Short break.)

9 BY MR. LIM:

10 Q. Hi, Ms. Combs.

11 Can you hear me okay?

12 A. Yes.

13 Q. I have to ask you a couple of quick
14 housekeeping questions.

15 During the break, did you talk to anyone
16 about this deposition?

17 A. I did not, no.

18 Q. Did you review any documents outside of
19 those two exhibits I showed you today?

20 A. No, sir.

21 Q. Okay. Fine.

22 I want to refer your attention to Exhibit 2,
23 the declaration, page 4, Paragraph 19. Let me know
24 when you're ready, Ms. Combs.

25 MS. BUCHERT: And, Jaime, I would advise

1 you to take as much time as you need.

2 THE WITNESS: Declaration and what --
3 what page again?

4 BY MR. LIM:

5 Q. Page 4, middle of the page, Paragraph 19.

6 Do you have that?

7 A. Yes.

8 Q. Okay. So in Paragraph 19 of your
9 declaration, you say, quote, I reasonably fear that
10 possessing a birth certificate that fails to
11 accurately reflect my sex consistent with my gender
12 identity increases the chances that I will be
13 subjected to invasions of privacy, prejudice,
14 discrimination, distress, harassment, or violence.

15 I want to ask you to explain to us why you
16 feel that way.

17 MS. BUCHERT: Objection.

18 THE WITNESS: I do feel that way because
19 it is painful and difficult for me to have
20 documentation that is not reflective of me. Because
21 of my past history and experiences with birth
22 certificate -- and the birth certificate being
23 inaccurate to who I am, it has been a source that
24 could be used against me. I have seen -- I feel
25 like because of this paper, in the past, I've had to

1 tell my story in situations I did not want to. An
2 example would be when I was in a bank and they
3 required this documentation that was no longer
4 congruent with who I was or other information that I
5 had, and I felt it necessary to explain why it
6 didn't match.

7 So at that particular time that -- the
8 banker was a client of mine that was not aware of
9 this information, so it was very difficult to -- to
10 tell and explain because I didn't know what her
11 response would be. Also being in a small town, I
12 had to take a chance on do I see a total stranger
13 and risk this information going out to everyone or,
14 you know, that time, do I tell someone that I know
15 that may be more likely to -- to be respectful and,
16 you know, protect that information. So it -- it
17 was -- information that was not accurate of me.

18 BY MR. LIM:

19 Q. I think you cut off toward the end there.
20 Could you repeat the last couple of sentences?

21 THE REPORTER: Thank you.

22 THE WITNESS: It was a little
23 dehumanizing to me to present this information to
24 someone that was inaccurate about me.

25 //

1 BY MR. LIM:

2 Q. And you mentioned your experience at the
3 bank.

4 Do you remember exactly when that was?

5 MS. BUCHERT: Objection.

6 THE WITNESS: I remember that the birth
7 certificate was a requirement for some type of
8 business transaction.

9 BY MR. LIM:

10 Q. Do you know when that was?

11 A. That was --

12 MS. BUCHERT: Objection.

13 THE WITNESS: -- approximately 2010.

14 BY MR. LIM:

15 Q. So that was before you got your passport
16 corrected, right?

17 A. This was before the passport was corrected.

18 Q. Okay. Has there been any other time besides
19 the examples that you mentioned so far that you've
20 had to present your birth certificate and you,
21 quote, reasonably fear that presenting that document
22 subjected you to harassment and discrimination and
23 so forth?

24 MS. BUCHERT: Objection.

25 THE WITNESS: When I started my

1 education with Tennessee School of Beauty, knowing
2 that my name and some information would be changed,
3 I believe that was another time that my passport was
4 submitted with other identifying information of me
5 at the time, so that naturally left me feeling very
6 vulnerable to reveal this information.

7 BY MR. LIM:

8 Q. Okay. And I want to go to the next
9 paragraph, Paragraph 20, where you say that "As a
10 result of Tennessee's birth certificate policy, my
11 current Tennessee birth certificate reflects the sex
12 I was," quote, "incorrectly assigned at birth,
13 erroneously stating that I am male."

14 You state that your sex was incorrectly
15 assigned at birth.

16 MS. BUCHERT: Objection.

17 BY MR. LIM:

18 Q. Can you think of any reasons why you were
19 assigned at birth as male?

20 MS. BUCHERT: Objection.

21 THE WITNESS: I'm not a physician, and
22 I'm unsure of the requirements that they use. You
23 know, this was 51 years ago, so I wasn't able to be
24 asked or contribute information. I will say, when I
25 did have gender-affirming surgery, one of the first

1 words that my physician surgeon told me was that
2 "you did not form correctly."

3 BY MR. LIM:

4 Q. You just stated that you're not a physician.
5 Do you have any other training that would
6 qualify you as an expert on how sex is determined at
7 birth?

8 MS. BUCHERT: Objection.

9 THE WITNESS: I do not have training.

10 BY MR. LIM:

11 Q. So you're not an expert on that issue?

12 A. I would not be an -- an expert.

13 Q. Ms. Combs, I want to direct your attention
14 to Exhibit 1, page -- that would be the amended
15 complaint, page 23. And take your time. Let me
16 know when you have it. Paragraph 113.

17 MS. BUCHERT: And once again, Jaime, I
18 want to urge you to take as much time as you need.

19 BY MR. LIM:

20 Q. And this is very similar to the other
21 paragraph that we just read.

22 Have you ever sub- -- have you ever been
23 subject to discrimination because of your
24 incongruent birth certificate at a place of work?

25 MS. BUCHERT: Objection.

1 THE WITNESS: I'm only aware of the
2 reality of discrimination to people that have
3 inconsistent documentation on who they are. I've
4 always known that that is a very real possibility
5 for me.

6 BY MR. LIM:

7 Q. But you personally have not been subjected
8 to that?

9 MS. BUCHERT: Objection.

10 THE WITNESS: It is difficult to say.

11 BY MR. LIM:

12 Q. Have you ever been -- pardon me. Have you
13 ever applied for a job and were denied because of
14 your transgender status?

15 MS. BUCHERT: Objection.

16 THE WITNESS: It isn't certain, because
17 Tennessee is a right-to-work state. It is not
18 uncommon for people who are women that are
19 transgender to not receive certain positions because
20 of that status.

21 MR. LIM: I don't have any more
22 questions today, so that would conclude my portion
23 of the deposition.

24 Sasha, do you have any questions for
25 Ms. Combs?

1 MS. BUCHERT: I -- I would like to take
2 a five-minute break if that's okay for folks.

3 MR. LIM: Okay.

4 MS. BUCHERT: Maybe we can round it off
5 and take an eight-minute break and come back at 3:30
6 if that's okay.

7 MR. LIM: Yeah. 2:30 for us.

8 MS. BUCHERT: 2:30. Sorry. Great.

9 (Short break.)

10 EXAMINATION

11 QUESTIONS BY MS. BUCHERT:

12 Q. Jaime, I just have one question for you on
13 redirect.

14 In your testimony, you testified that when
15 going -- entering school, beauty school, that you
16 presented your passport.

17 That was around 1995; is that correct?

18 A. I apologize because I did not have a
19 passport at that time.

20 Q. So was the document you presented in 1995
21 your birth certificate?

22 A. It was.

23 MS. BUCHERT: Okay. Thank you. No
24 further questions.

25 THE REPORTER: Anything else, Mr. Lim?

1 MR. LIM: No.

2 MS. BUCHERT: We do just want to reserve
3 the right to read and sign the transcript before
4 it's final.

5 (An off-the-record discussion was held.)

6 THE REPORTER: And, Mr. Lim, would you
7 like this transcript typed up?

8 MR. LIM: Yes.

9 THE REPORTER: And, Ms. Buchert, would
10 you like a copy?

11 MS. BUCHERT: Yes, please.

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E R R A T A P A G E

I, Jaime Combs, having read
the foregoing deposition, pages 1 through 49, do
hereby certify said testimony is a true and accurate
transcript, with the following changes (if any):

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JAIME COMBS

Notary Public

My Commission Expires: _____
Reported by: Lindsey R. Perry, LCR, RPR, CRR, CSR

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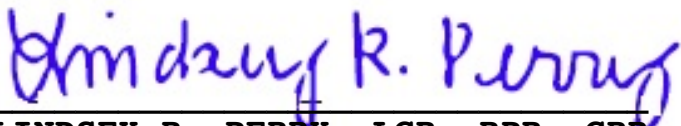
STATE OF TENNESSEE

COUNTY OF WILLIAMSON

I, LINDSEY R. PERRY, licensed court reporter, with offices in Franklin, Tennessee, hereby certify that I reported the foregoing videoconference deposition of JAIME COMBS by machine shorthand to the best of my skills and abilities, and thereafter the same was reduced to typewritten form by me.

I further certify I am not related to any of the parties named herein nor related to their counsel and have no interest, financial or otherwise, in the outcome of the proceedings.

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<div>Exhibits</div> <div>Ex 01 - Jaime Combs 4:10 15:14,19 17:14 30:22 46:14</div> <div>Ex 02 - Jaime Combs 4:12 15:25 16:6 41:22</div> <div>1</div> <div>1 15:14,19 17:14 30:22 46:14</div> <div>109 30:23</div> <div>11 14:11,12</div> <div>110 31:21</div> <div>113 33:23 46:16</div> <div>114 17:15,22</div> <div>14/line 14:11</div> <div>15/line 14:11</div> <div>17 26:17</div> <div>19 41:23 42:5,8</div> <div>1995 13:1 40:4 48:17,20</div> <div>1996 12:18</div> <div>1999 30:24 36:11</div> <div>1:59 41:4</div> <div>2</div> <div>2 15:25 16:6 41:22</div> <div>20 9:4 12:10 45:9</div> <div>2000 14:1</div> <div>2010 44:13</div> <div>2013 36:23 40:5</div> <div>22 30:22</div> <div>23 17:14 33:19 46:15</div> <div>24 20:17</div>	<div>26/line 26:17</div> <div>27/line 26:18</div> <div>2:10 41:5</div> <div>2:30 48:7,8</div> <div>3</div> <div>3:30 48:5</div> <div>4</div> <div>4 26:18 41:23 42:5</div> <div>5</div> <div>51 45:23</div> <div>7</div> <div>A</div> <div>abilities 17:11</div> <div>abroad 37:9</div> <div>absolutely 6:23</div> <div>accurate 17:11 43:17</div> <div>accurately 42:11</div> <div>acquired 21:3</div> <div>addition 16:10 21:4</div> <div>address 8:20</div> <div>advise 41:25</div> <div>affect 18:10</div> <div>affected 17:24</div> <div>afternoon 6:8</div> <div>ahead 6:21</div> <div>Alcoa 12:2</div> <div>allowing 18:12 20:18</div>	<div>amended 15:15, 22 17:14 30:22 46:14</div> <div>anytime 8:5</div> <div>apologize 48:18</div> <div>application 34:17</div> <div>applied 47:13</div> <div>apply 11:10</div> <div>approve 35:13</div> <div>approximately 8:24 9:4 10:25 11:2,22 12:6,10, 18 13:1,23 29:11 30:5 36:8 40:4 44:13</div> <div>argumentative 25:12 39:5</div> <div>assets 18:14 20:20,21 25:2</div> <div>assigned 45:12, 15,19</div> <div>assistant 6:14</div> <div>assists 10:10</div> <div>assume 23:17,19</div> <div>assumed 34:15</div> <div>attended 12:24</div> <div>attention 17:13 20:5 30:21 41:22 46:13</div> <div>attorney 6:14,15 22:12</div> <div>attorneys 16:20 17:1,4 27:11</div> <div>aware 19:20 30:5 43:8 47:1</div> <div>B</div> <div>back 20:6 29:8 30:21 41:4,5 48:5</div> <div>Baker 7:3</div> <div>bank 43:2 44:3</div>	<div>banker 43:8</div> <div>basically 19:2</div> <div>basis 38:9</div> <div>beauty 12:24 45:1 48:15</div> <div>begin 7:9</div> <div>believed 23:25</div> <div>birth 8:19 9:7,9 17:23 18:23 25:6, 16 28:10 33:9 38:2,7,12,16,22 39:9,13,22 40:6, 13,18,25 42:10, 21,22 44:6,20 45:10,11,12,15,19 46:7,24 48:21</div> <div>bit 22:9</div> <div>Blount 22:3</div> <div>board 10:17 11:2, 4,8,10,11,17</div> <div>born 9:5,8</div> <div>bottom 17:15 30:23</div> <div>Botts 7:3</div> <div>bought 21:4</div> <div>bound 14:12 26:18</div> <div>Brandt 7:3</div> <div>break 8:4,7,9 41:3,8,15 48:2,5,9</div> <div>bring 32:15 33:5</div> <div>Buchert 6:23,24 9:12,19 10:1,8,14 11:6,12 12:20 13:4,13,18 14:5 16:14,22 17:6,17 18:21 19:8,14,22 20:2,23 21:8,12, 18,22 22:6,11,18, 23 23:7,12,15,22 24:2,14,20,25 25:7,11,20 26:5,9, 16 27:16,24 28:9, 13,24 29:6,16 30:2,10,17 31:1,5, 9,17 32:9,16,23 33:6,14 34:3,7</div>
---	---	---	---

36:21,24 37:5,17,
22 38:6,13,18,24
39:5,14,18,24
40:8,19 41:1,6,25
42:17 44:5,12,24
45:16,20 46:8,17,
25 47:9,15 48:1,4,
8,11,23 49:2,9,11

Buddy 10:10

business 12:5
18:11 20:9,11,12,
13 34:13 44:8

C

called 6:3 10:10
12:3

calls 16:22,23

card 19:18 31:23
37:16

care 9:22 10:11
21:13 33:25

Caribbean 37:12

██████████

carry 37:15,20
38:2,9

cars 21:3

case 28:5 29:1

center 9:22

certificate 17:23
18:23 25:6,16
28:10 33:9 38:2,8,
12,17,22 39:9,13,
23 40:6,13,18,25
42:10,22 44:7,20
45:10,11 46:24
48:21

certificates 12:12

challenges 31:25

chance 43:12

chances 42:12

change 35:23

changed 32:4,5
45:2

checked 23:20

children 26:13

choice 24:15,17

classic 21:3

clear 7:21

client 35:2,8 43:8

colleague 35:6

colleagues 6:16
35:12

Combs 6:2,8,20
7:11 8:12,14,19
9:11 12:4 15:21
16:1,8,13 17:16,
24,25 18:1,6,9,12,
15,17 22:8 24:6
25:15 27:6,23
29:18 30:15 36:7
39:10 41:10,24
46:13 47:25

Combs' 17:22

committee 10:16

community 9:22
11:17

complaint 15:15,
22 17:14 30:22
46:15

complete 35:5

completing
31:21

complications
34:9

computer 20:13

concerned 18:6
20:8,10 24:12

concerns 18:11

conclude 47:22

condo 21:5

confidential
14:12 26:18

confused 22:8

congruent 36:4,7
43:4

Connectus 9:21
10:13,15 11:1,9

consistent 42:11

consulted 35:2

contact 35:19

contacted 35:10,
17

contained 17:10

contest 18:25

contested 18:7

contribute 45:24

control 18:13
20:19

conversation
28:20

conversations
16:25

copy 15:16,21
38:8 39:1,4,9,12
40:16,17 49:10

correct 11:5 12:8
17:23 20:9,10
24:13 27:22 29:19
30:25 31:22,24
35:14 36:10,12,15
40:9 48:17

corrected 36:3
44:16,17

correctly 46:2

Corvettes 21:2

cosmetology
12:15 40:1

counsel 16:24

County 22:3
39:15

couple 7:8 20:15
21:7,17 37:8
41:13 43:20

couples 18:4
19:13

court 7:13 18:24
22:3

courthouse
32:12

cover 14:13 26:19

credentials 35:12

current 8:20 9:14
25:25 45:11

cut 43:19

D

date 9:9

day 37:21

days 30:6

declaration
15:25 41:23 42:2,
9

declined 34:17,
19,22

defendants 6:19

dehumanizing
43:23

delicate 24:10

denied 47:13

DEPONENT
49:12

deposition 6:18
7:10,11 27:6,8,11,
21 28:3,6 41:16
47:23

designated 14:12
26:18

desirable 13:7

determine 40:12

determined 46:6

Dianna 6:17

difficult 7:24
42:19 43:9 47:10

direct 17:13 46:13

directors 11:8

disagree 25:8

disclosure 18:5

discreet 35:3,20,
22

discrimination
42:14 44:22 46:23
47:2

discuss 16:19
30:12
discussion 10:21
29:7 49:5
distress 42:14
divorce 18:7,12
19:1 20:18 22:2,5
25:3
divorcing 18:1,17
DMV 32:7
doctor 32:19
34:16,18
document 15:18
16:5 44:21 48:20
documentation
33:8,24 35:22
42:20 43:3 47:3
documenting
34:1
documents 14:4
16:10,12,21 17:5,
10 32:14,19 33:4
39:1 41:18
driver's 19:17
31:23 32:3,5 36:9,
10 37:15,23
due 18:11
duly 6:4

E

education 45:1
eight-minute
48:5
Elizabethton 9:8
employment
13:6
end 43:19
entered 39:25
entering 48:15
erroneously
45:13
essentially 24:13

exam 34:1
EXAMINATION
6:6 48:10
examined 35:25
examples 37:8
44:19
exception 31:25
Exhibit 15:14,19,
25 16:6 17:14
30:22 41:22 46:14
exhibits 41:19
experience 44:2
experiences
42:21
expert 29:25 46:6,
11,12
experts 29:5 30:9
explain 42:15
43:5,10
extent 16:23

F

factors 24:22,24
fails 42:10
family 39:17
favor 8:6
fear 42:9 44:21
February 37:10
federal 21:10
feel 42:16,18,24
feeling 45:5
fellow 28:18
felt 22:14,16
24:15,17 34:25
35:20 43:5
file 21:7,10
filed 6:19 21:16
22:2
fill 23:10
final 49:4

finally 33:18
finances 21:14
find 35:6,12
Fine 41:21
five-minute 48:2
fleet 21:1
folks 48:2
form 37:14 38:23
39:23 40:13,25
46:2
found 13:6
full 8:13
fun 7:9 37:4

G

gender 17:23
25:17 31:22 35:14
36:5 42:11
gender-affirming
31:15 45:25
general 6:14
General's 6:15
genitals 35:25
give 24:12
Gonzalez-pagan
7:1
good 6:8,11 41:6
Gould 7:5
government 23:5
■■■■ ■■■■
Great 48:8
group 11:16
20:13 26:6,8
guys 26:4
gynecologist
34:2 35:18

H

hair 12:1

half 8:24 11:22
happened 24:6
33:21
happier 25:24
happy 8:5
harassment
42:14 44:22
head 7:19
health 9:21,22
10:11,15
hear 7:23 41:11
held 10:21 29:7
49:5
history 42:21
home 21:1
hopeful 35:3
house 20:25
38:19 39:17
housekeeping
7:8 41:14
husband 18:13,
19,22 19:16,20
20:19,24 21:13
24:7 25:18

I

idea 21:16
identification
36:20 37:14 38:23
39:23 40:14,25
identified 25:18
identify 6:22
identifying 45:4
identity 25:17
34:14 42:12
important 34:14
inability 17:22
inaccurate 42:23
43:24
included 33:9
including 29:4
30:9

incongruent

46:24

inconsistent

47:3

incorrectly

45:12,14

increases 42:12

information

16:24 19:2 34:15
43:4,9,13,16,17,
23 45:2,4,6,24

instance 40:17

instances 40:20,
21

introduce 6:12

invasions 42:13

involved 11:15

29:4 30:8

issue 46:11

J

Jae 6:14 25:11

Jaime 6:2 8:14

16:1,24 17:6,17
41:25 46:17 48:12

jeopardize 20:9,
11

job 47:13

John 7:5

joint 18:14 20:20
24:8

Jones 6:16

Judgment 16:2

justice 19:16
22:24 23:2,3

K

kind 12:12

knew 24:10

knowing 45:1

knowledge 28:21

29:21 30:16
32:11,18 39:1

Knox 39:15

Knoxville 32:11

L

Lambda 6:24 7:1

lastly 7:4 8:4

law 28:4,7,10
30:12

lawsuit 6:19 27:7

28:12,17 29:4
30:1,8

lead 35:4

left 45:5

legal 6:24 7:1 18:3

legitimately
24:11

length 21:3

letter 33:25 35:1

license 12:15,17,
18 14:9 19:7,10,
12,15,17 20:14
22:14 31:23 32:3,
5 36:9,10 37:16,
24

lieu 7:18,19

Lim 6:7,14 7:7
9:13,24 10:4,12,
18,22 11:7,13
12:22 13:8,16,20
14:7 15:12,20
16:7,16 17:2,8,21
19:4,11,19,24
20:4 21:6,9,15,20
22:1,7,15,21 23:1,
9,13,18,23 24:5,
16,23 25:4,9,13,
14,22 26:7,12
27:5,18 28:1,11,
15 29:2,13,17
30:3,14,20 31:3,7,
11,20 32:13,20

33:1,10,17 34:4,
10 36:22 37:2,7,
19 38:1,10,15,20
39:3,7,16,20 40:2,
10,23 41:3,7,9
42:4 43:18 44:1,9,
14 45:7,17 46:3,
10,19 47:6,11,21
48:3,7,25 49:1,6,8

live 8:25

lived 8:23 9:3

livelihood 25:1

living 9:11 20:15

location 9:2 32:8

long 8:23 9:2
10:23 11:21 12:5,
9 13:10,21

longer 43:3

M

made 29:12 30:5

make 33:11

male 18:23 45:13,
19

man 17:25

marital 23:14

marked 15:14,18,
25 16:5

marker 17:23
31:22

markers 35:14

marriage 13:22
14:6,9 18:2,4,25
19:7,9,12,13,15
20:14 21:4 22:4,
14,16,17

married 13:10,17,
21,24 17:25 20:1,
15,25 21:7,11,17
22:25 23:11,21
24:1,4 26:1

marry 22:20

Martin 37:13

Maryville 9:1,3,5
12:2

match 43:6

Matt 6:16

matter 24:10

matters 7:9

medicine 30:12
35:7

meet 26:4

member 10:17
11:2

member's 39:17

members 11:16,
17

mentioned 11:19
33:23 44:2,19

Merchant 7:5

met 26:6 28:16,18
29:3,10,23 30:8,
11,12

middle 33:23 42:5

mind 23:25

mine 43:8

minutes 19:5

misguided 33:19

months 10:25
38:14,21

Motion 16:1

move 8:11 13:2
25:23

moved 13:5

multiple 33:11

N

names 8:15 26:15

Nashville 10:3
13:3,5

naturally 45:5

needed 32:14
33:4 34:24 40:17

Neenah 31:6

negatively 17:24

neighboring

35:18

■■■■ ■■■■

niceties 28:25

nod 7:18

nominated 11:10

normal 38:9

Novella 8:14

Number 15:19

16:6

nurse 34:21

O

objection 9:12,19

10:1,8,14 11:6,12

12:20 13:4,13,18

14:5 16:14,22

18:21 19:8,14,22

20:2,23 21:8,12,

18,22 22:6,11,18,

23 23:7,12,15,22

24:2,14,20,25

25:7,11,20 26:5,9,

16 27:16,24 28:9,

13,24 29:6,16

30:2,10,17 31:1,5,

9,17 32:9,16,23

33:6,14 34:3,7

36:21,24 37:5,17,

22 38:6,13,18,24

39:5,14,18,24

40:8,19 41:1

42:17 44:5,12,24

45:16,20 46:8,25

47:9,15

obtain 12:11 36:7,

10 40:6

obtaining 36:18

occupation 9:14

11:24

off-the-record

10:21 29:7 49:5

office 6:15 35:21

Omar 7:1

open 18:9 20:7

opportunity

16:19 17:4

order 35:23,24

organization

11:15

organizations

9:23,25

original 39:4,9

owned 12:1 21:5

P

paid 20:25

painful 42:19

paper 42:25

papers 18:12

20:18

paperwork 14:1,3

19:6 23:10 34:16,

18,19,20,21 35:5,

13

paragraph 17:15,

22 18:16 20:6,17,

22 30:23 31:21

33:23 41:23 42:5,

8 45:9 46:16,21

pardon 33:19

47:12

part 7:9

passed 34:25

passing 29:11

30:12

passport 31:24

32:1 33:18,22

34:6,15,17,24

35:14,23,24 36:3,

4,7,17,18 37:15

40:6,15,21,22

44:15,17 45:3

48:16,19

past 8:16 37:3

40:24 42:21,25

patients 10:10

peace 19:16

22:25 23:2,3

pending 8:8 29:9

people 24:18,22

29:4 30:18 47:2,
18

performed 31:4,

18

permission 35:6,

19

Perry 7:13 10:18

15:16 16:3

person 23:5

29:14

personal 24:9,10

personally 34:14

47:7

personnel 10:16

Phd 35:1,2,7,8

physical 34:1

physician 33:25

34:20 35:4,25

45:21 46:1,4

picked 39:1,21

picking 39:1,12

place 9:7 46:24

plaintiff 28:18

plaintiffs 6:20,25

7:2,4,6 28:17

29:11 30:4

Plaintiffs' 16:1

point 6:21 7:23

15:13 34:23

policy 45:10

portion 47:22

position 10:6,24

positions 47:19

possessing

42:10

possibility 47:4

Possibly 28:25

32:19

power 19:1

practitioner

34:21

prejudice 42:13

prepping 27:6

present 43:23

44:20

presented 36:19

48:16,20

presenting 19:17

44:21

press 28:20 29:12

previous 13:21

previously 15:14,
25

Pride 10:3

primary 33:25

privacy 42:13

private 24:10

privileged 16:23

procedures

30:24 31:16

proceeding 22:5

process 11:9

34:8

produce 40:17

program 10:9

prompted 13:2

properties 21:21,
23

property 21:4

24:8

protect 34:14

43:16

psychiatry 35:7,9

psychology 35:8

public 30:16

publicly 18:8

purchased 20:25

purpose 36:1

Q

qualify 46:6

question 7:25
8:1,8,9 27:9 29:9
48:12

questioning
25:12

questions 6:7
7:17 16:20 18:15
23:24 41:14
47:22,24 48:11,24

quick 41:3,13

quote 42:9 44:21
45:12

R

read 16:17 17:19
29:8 46:21 49:3

reading 7:15

ready 41:24

real 7:9 47:4

reality 47:2

realize 16:15

reasons 45:18

receive 35:13,24
47:19

received 12:18
38:8 40:21,22

recognizable
22:3

recognize 18:4

recommend
17:18

record 8:13 10:19

recorded 7:20

recording 7:12

records 33:3,9

redirect 48:13

refer 20:5 30:21
41:22

reflect 42:11

reflected 25:16

reflective 42:20

reflects 45:11

release 28:20
29:12

released 19:3

remember 32:7,
14 33:4 44:4,6

repeat 8:1 43:20

rephrase 8:1
16:11 20:16 27:9
40:11

report 32:18

reporter 7:13
10:20 15:17 16:4
29:8 43:21 48:25
49:6,9

representing
6:18,24 7:2,3,6

required 35:24
43:3

requirement 44:7

requirements
45:22

reserve 49:2

resided 9:1

respectful 43:15

respond 16:24

response 8:7
43:11

responses 7:16

result 18:11 45:10

results 34:1

retain 18:13 20:19

retire 11:24

retired 9:16
11:19,21,23

returned 34:22
35:10

returns 21:10

reveal 45:6

review 41:18

revision 34:20

right-to-work
47:17

risk 43:13

Roessler 7:3

round 48:4

S

SAITH 49:12

salon 12:1,4
18:10

same-sex 18:4
19:13

Sara 6:17

Sasha 6:21,24
47:24

school 12:19,23,
24 40:1 45:1
48:15

Security 19:17
31:23 33:2 36:13
37:16

Sedgwick 6:17

seeking 11:16

send 34:16

sentences 43:20

separate 14:13
26:19

Sevierville 23:3

sex 42:11 45:11,
14 46:6

shake 7:18

Shayne 29:23

Shew 6:17

short 41:8 48:9

shortly 36:13

show 15:13,24

showed 41:19

side 6:22

sign 49:3

signed 18:12
20:18 24:3

similar 46:20

simple 27:23 34:9

simply 17:3 34:16

sir 41:20

situations 43:1

small 43:11

smear 19:2

Social 19:17
31:23 33:2 36:13
37:16

Sounds 41:6

source 42:23

speak 27:7,10,13
28:2,12,23

special 12:12

specifically
31:16

spell 31:12

spoke 27:19

spoken 28:4,5,16
29:3 30:8

spouse 13:6,9,12,
14 14:10 22:4
25:25 27:14,20
28:3

St 37:13

staff 35:21

start 10:5

started 21:2
44:25

state 8:12 12:15
18:24 45:14 47:17

stated 30:23 46:4

stating 45:13

status 18:6,7,9
19:21 20:8 23:14
47:14,20

story 43:1
stranger 43:12
stylist 12:1,7,9,11
sub- 46:22
subject 46:23
subjected 42:13
 44:22 47:7
submit 33:24
 40:16
submitted 14:2
 19:6 34:5,18 40:5
 45:4
Summary 16:2
support 16:1
 26:6,8
surgeon 31:8
 33:8 46:1
surgery 31:4,15,
 22 32:6 45:25
surgical 30:24
 32:18
sworn 6:4
sympathize 24:6
system 10:11

T

taking 24:7
talk 17:4 25:23,24
 32:2,3 33:2 36:16
 41:15
talking 14:4 20:21
 28:7 31:16
tax 21:10
taxes 21:7
Taylor 29:23
Tennessee 6:15
 ■ 9:1,3,5,8
 12:2,16,24 18:2,3,
 24 19:13 23:4
 32:11 39:15 45:1,
 11 47:17
Tennessee's
 45:10

testified 6:4
 48:14
testify 35:15
testimony 7:14
 48:14
things 22:13
Thomas 7:3
 37:13
thought 23:25
threat 20:8
threatened 18:5
 24:8 25:19
time 7:24 17:18,19
 18:3,8 20:7 21:11
 23:11 24:19 25:1
 28:23 32:3,22,25
 33:12 34:21,25
 37:9 38:11 39:21,
 22 42:1 43:7,14
 44:18 45:3,5
 46:15,18 48:19
times 36:19
titled 21:21,23
today 6:9 7:14
 27:11,21 28:6
 30:16 41:19 47:22
today's 28:3
told 17:9 18:1,17,
 18,19,22 19:5,25
 29:14 35:1,5 40:5
 46:1
top 20:17 33:19
total 43:12
town 35:18 43:11
training 12:12
 46:5,9
trans 10:10 30:16
transaction 44:8
transcript 7:14,
 15 49:3,7
transgender
 18:5,7,9 19:21
 24:18 26:11 30:19
 34:13 47:14,19

traveled 37:3
 38:7,11,21
traveling 37:1
travels 34:24
trip 33:16
trips 33:11
true 17:10
truth 17:9
twenty- 36:9
type 9:17 14:3
 23:6 44:7
typed 49:7
Typically 37:23

U

U.S. 31:24 33:18
Uh-huh 34:11
ultimately 36:2
unable 35:11
unaware 40:21
unbeknownst
 35:8
uncertain 21:19
 23:8 27:17,19
 28:14 33:15 34:23
 36:25 39:6,8,11
uncommon
 47:18
uncontested
 18:12 20:18
understand
 24:11
understanding
 7:24
Understood 8:10
underwent 30:24
unsure 23:16
 45:22
uphold 18:24
urge 46:18

V

vacation 37:9
vaginoplasty
 31:19
Vanderbilt 9:20
 10:5,11,24
vehicles 21:1
verbally 7:16
video 7:12
violence 42:14
volunteer 9:15,
 17,20,21 10:2,5,9,
 16,23 30:13
vouch 35:16
vulnerable 45:6

W

wanted 24:13
wanting 24:22
ways 17:24
wedding 22:22
week 35:11
weeks 35:11
Western 37:12
wife 22:20
Winemiller 7:5
Wisconsin 31:6
woman 30:16,19
 34:12
women 26:10
 47:18
words 46:1
work 9:15,17
 11:25 21:1 23:5
 30:13 46:24
workers 35:21
worried 18:10

Y

year 13:25 28:19
29:11 32:4 37:10

years 8:24 9:4
11:3,22 12:6,10
13:11,23 18:1
26:2 35:15 36:8
37:4 40:24 45:23